IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1508/2000

M/S JAIN ZARI PRODUCTS (INDIA)
Vs.
RAJASTHAN FINANCIAL CORPORATION & ANR.

DATE: 01.11.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. J.P. Goyal for the petitioner.
Mr. Prahlad Singh for the respondents.

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Limited prayer has been made in this writ petition that despite of the fact that the petitioner has deposited the entire outstanding amount as settled under the scheme of one time settlement, even after making the full and final payment as per the agreement the respondents are not issuing no dues certificate, therefore, they may be directed to issue the same.

On the contrary, learned counsel appearing for the respondent Rajasthan Financial Corporation has strongly controverted this fact and submits that the petitioner has not availed the opportunity well within time. Initially the petitioner was required to make the payment to the tune of Rs. 1,23,502 up to 31.03.96 under the one time settlement scheme, but he failed to

deposit the same within the stipulated period. Thereafter again, opportunity was provided to the petitioner to deposit the amount of either Rs. 2,18,000/- as was admissible in June, 1997 or Rs. 2,29,000/- if the petitioner wants to clear the account under the one time settlement scheme which was in force up to 31.03.98, but again the petitioner failed to deposit the amount as aforesaid and since the petitioner has not deposited the amount and not opted to avail the incentives given under one time settlement scheme, therefore, still the amount is outstanding against the petitioner and in such circumstances, the respondents cannot be directed to issue no dues certificate.

Learned counsel for the petitioner drawn my attention towards Annexure-5 dated 25.06.97, whereby one month's time was provided to the petitioner to deposit the required amount and further vide Annexure-6 dated 27.06.97, as per the petitioner, he has deposited the amount as asked vide Annexure-5 dated 25.06.97 i.e. after two days of Annexure-5 and within the period extended by the R.F.C.. But this letter has been again disputed by the learned counsel appearing for the R.F.C. in their reply stating that this document is forged one and does not find place in their record.

Since several disputed question of facts are involved in this writ petition and the only relief claimed by the petitioner is to direct the respondents to issue no dues certificate, in such circumstances, while exercising power under Article 226 of the Constitution of India, this Court do not want to interfere in such disputed questions of facts. However, the petitioner has every right to redress his grievance before the appropriate forum, but in any case, I find no merit in the writ petition.

Consequently, the writ petition fails and the same is accordingly dismissed.

(K.S. RATHORE),J.

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